

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 PAUL C. AMENT  
Supervising Deputy Attorney General  
3 WENDY WIDLUS, State Bar No. 82958  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897 2867  
6 Facsimile: (213) 897 9395

7 Attorneys for Complainant

8  
9 **BEFORE THE**  
**RESPIRATORY CARE BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against

12 JEANNE L. HERMANSEN, a.k.a.  
13 JEANNE L. LOVATO  
1316 South Meadow Lane #293  
14 Colton, California, CA 92324

15 Respiratory Care Practitioner  
License No. RCP 16065

16 Respondent.

Case No. 1H 2006 324

OAH No. L2008020146

**DEFAULT DECISION AND**  
**ORDER**

[Gov. Code § 11520]

17  
18 **FINDINGS OF FACT**

19 1. On or about April 3, 2008, Complainant Stephanie Nunez, in her official  
20 capacity as the Executive Officer of the Respiratory Care Board of California, Department of  
21 Consumer Affairs (Board), filed First Amended Accusation Number 1H 2006 324 against Jeanne  
22 L. Hermansen, a.k.a. Jeanne L. Lovato (Respondent), before the Respiratory Care Board of  
23 California. True and accurate copies of the First Amended Accusation, the Supplemental  
24 Statement to Respondent, and Declarations of Service in Case Number 1H 2006 324 are attached  
25 as Exhibit 1 and incorporated here as if fully set forth.

26 2. On or about February 26, 1993, the Board issued Respiratory Care  
27 Practitioner License No. RCP 16065 to Respondent. The Respiratory Care Practitioner License  
28 was in full force and effect at all times relevant to the charges brought herein and will expire on

1 February 28, 2009, unless renewed.

2           3.       On or about February 13, 2007, Respondent filed a renewal application as  
3 a Respiratory Care Practitioner in the name "Jeanne L. Hermansen," showing both the  
4 Respondent's former address and her new address of 1316 South Meadow Lane, #293, Colton,  
5 CA 92324. On March 31, 2007, Respondent filed a Notification Of Name Change with the  
6 Board. Respondent further filed a single page copy of a Court order of a Decree Of Dissolution  
7 from the Superior Court of Arizona, Maricopa County, which shows the Court restored  
8 Respondent's former last name of Hermansen from her married last name of Lovato. Respondent  
9 was issued a Respiratory Care Practitioner Pocket License in the name "Jeanne L. Hermansen."

10           4.       On or about January 15, 2008, Accusation Number 1H 2006 324 was filed  
11 and served upon Respondent.

12           5.       On or about January 26, 2008, Respondent signed and returned a Notice of  
13 Defense, requesting a hearing in the accusation. A true and accurate copy of the Notice of  
14 Defense is attached hereto as Exhibit 2 and incorporated here as if fully set forth.

15           6.       Government Code section 11506 states, in pertinent part:

16               “(c) The respondent shall be entitled to a hearing on the merits if the  
17 respondent files a notice of defense, and the notice shall be deemed a specific  
18 denial of all parts of the accusation not expressly admitted. Failure to file a notice  
19 of defense shall constitute a waiver of respondent's right to a hearing, but the  
20 agency in its discretion may nevertheless grant a hearing.”

21           7.       On or about March 7, 2008, a notice of hearing on the accusation was  
22 served by mail at Respondent's address of record and it informed her that an administrative  
23 hearing on the accusation was scheduled for June 12, 2008. True and accurate copies of the  
24 notice of hearing and declaration of service are attached hereto as Exhibit 3 and incorporated  
25 here as if fully set forth.

26           8.       On or about April 3, 2008, First Amended Accusation Number 1H 2006  
27 324 was served on Respondent at her address of record.

28           9.       Service of First Amended Accusation Number 1H 2006 324 was effective

1 as a matter of law under the provisions of Government Code section 11505, subdivision (c) and  
2 was calculated to give actual notice of the charges therein to Respondent.

3 10. On February 22, 2008, Fredrick M. Ray, Esq., of the law firm of Fredrick M.  
4 Ray, A Professional Corporation, sent a letter to Deputy Attorney General Wendy Widlus stating  
5 he was representing Respondent.

6 11. On May 28, 2008, Fredrick M. Ray, Esq., of the law firm of Fredrick M.  
7 Ray, A Professional Corporation, filed and served a NOTICE OF WITHDRAWAL AS  
8 RESPONDENT'S COUNSEL and thereby ceased to be her attorney of record in this case.

9 12. On or about June 12, 2008, Respondent failed to appear at the noticed  
10 hearing.

11 13. California Government Code section 11520 states, in pertinent part:

12 “(a) If the respondent either fails to file a notice of defense or to appear at  
13 the hearing, the agency may take action based upon the respondent's express  
14 admissions or upon other evidence and affidavits may be used as evidence without  
15 any notice to respondent.”

16 14. Pursuant to its authority under Government Code section 11520, the Board  
17 finds Respondent is in default. The Board will take action without further hearing and, based on  
18 Respondent's express admissions by way of default and the evidence before it, contained in  
19 exhibits 1 and 3, finds that the allegations in First Amended Accusation Number 1H 2006 324  
20 are true.

21 **DETERMINATION OF ISSUES**

22 15. Based on the foregoing findings of fact, Respondent Jeanne L. Hermansen, a.k.a.  
23 Jeanne L. Lovato, has subjected her Respiratory Care Practitioner's License No. 16065 to  
24 discipline.

25 16. The agency has jurisdiction to adjudicate this case by default.

26 17. The Respiratory Care Board of California is authorized to revoke Respondent's  
27 Respiratory Care Practitioner's License based upon the following violations alleged in the First  
28 Amended Accusation Number 1H 2006 324:

a. Respondent is subject to disciplinary action under section 3750.5, subdivision (a) of the Business and Professions Code in that on or about May 7, 2006, and September 27, 2007, she possessed the controlled substance methamphetamine.

b. The Board further takes official notice that on or about September 23, 2004, Respondent was issued Citation No. C-04-0093 by the Board as an administrative penalty for a violation of Business and Professions Code sections 3750, subdivision (f), and 3755, and California Code of Regulations, Title 16, Section 1399.370, subdivision (a). The Citation was based on the following facts: On or about June 7, 2004, while working as a Respiratory Care Practitioner, the Respondent abandoned her assigned patients for over three hours by falling asleep in her vehicle. Further, Respondent did not document any treatments in her assigned patients' medical records for the entire shift.

18. The Board further finds that pursuant to Business and Professions Code section 3753.5, the reasonable costs of investigation and enforcement of the case are \$8282.50, based in the Certification of Costs contained in Exhibit 4, which is incorporated here as if fully set forth.

## ORDER

IT IS SO ORDERED that Respiratory Care Practitioner License No. RCP 16065, heretofore issued to Respondent Jeanne L. Hermansen, a.k.a. Jeanne L. Lovato, is revoked.


Pursuant to Business and Professions Code Section 3753.5, Respondent is ordered to reimburse the Board the amount of \$8282.50 for its investigative and enforcement costs. The filing of bankruptcy by the Respondent shall not relieve the Respondent of her responsibility to reimburse the Board for its costs. Respondent's Respiratory Care Practitioner License may not be renewed or reinstated unless she pays all costs ordered under Business and Professions Code Section 3753.5.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the

1 statute.

2  
3 This Decision shall become effective on October 26, 2008.

4 It is so ORDERED September 26, 2008

5 

6 LARRY L. RENNER, BS, RRT, RCP, RPFT  
7 PRESIDENT, RESPIRATORY CARE BOARD  
8 DEPARTMENT OF CONSUMER AFFAIRS  
9 STATE OF CALIFORNIA

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20 50309443.wpd

21

22

23

24

25

26

27

28